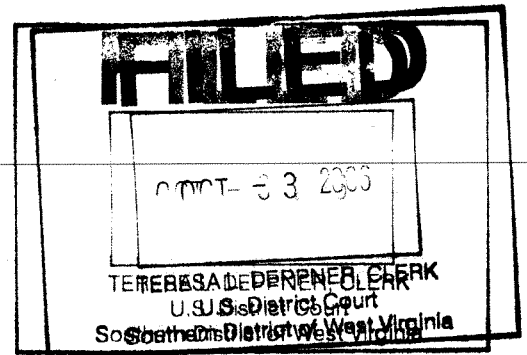


Harvey P. Short  
1001 Centre Way  
Charleston, WV 25309,

Plaintiff

v.

2:06-0852

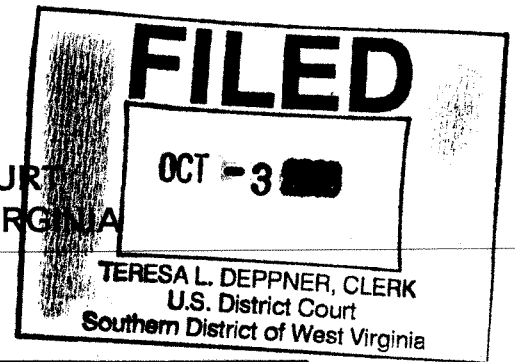


William J. Charnock  
Kanawha County Prosecutor's Office  
700 Washington Street, East  
Charleston, WV 25301; and,  
Charleston Police Department  
City of Charleston  
Mayor Danny Jones  
Brent Webster, Police Chief  
Officer Van Horn  
Officer Cooper  
Officer Kuhner  
Charleston, WV 25301; and,

Taser International, Inc.  
9760 East McClain Drive  
Suite 2  
Scottsdale, Ar 85260; and,

Defendants

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA



Harvey P. Short  
1001 Centre Way  
Charleston, WV 25309

(Enter above the full name of the plaintiff  
or plaintiffs in this action).

(Inmate Reg.# of each Plaintiff)

VERSUS

CIVIL ACTION NO. \_\_\_\_\_  
(Number to be assigned by Court)

William J. Charnock, et al  
700 Washington Street, East  
Charleston, WV 25301

(Enter above the full name of the defendant  
or defendants in this action).

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes \_\_\_\_\_ No ✓

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendants: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county):

\_\_\_\_\_  
\_\_\_\_\_

3. Docket Number: \_\_\_\_\_

4. Name of judge to whom case was assigned:

\_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

\_\_\_\_\_  
\_\_\_\_\_

6. Approximate date of filing lawsuit: \_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_

II. Place of Present Confinement: South Central Regional Jail

A. Is there a prisoner grievance procedure in this institution?

Yes ☒

No ☐

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ☐

No ☒

C. If your answer is YES:

1. What steps did you take? \_\_\_\_\_

\_\_\_\_\_

2. What was the result? \_\_\_\_\_

\_\_\_\_\_

D. If your answer is NO, explain why not: Relief Cannot Be  
Granted

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Harvey P. Short #1165915

Address: 1001 Centre Way Charleston, WV  
25309

B. Additional Plaintiffs and Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant William J. Charnock  
is employed as Prosecutor  
at Kanawha County Prosecutor's Office

D. Additional defendants: Kanawha County Prosecutor Office  
Charleston Police Department City of Charleston  
Danny Jones  
Brent Webster  
Officer Van Horn  
Officer Cooper  
Officer Kuhner

IV. Statement of Claim

Taser International Inc.

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

See Facts Attached.

1) On September 14, 2005, Officer Van Horn approached the Plaintiff while the Plaintiff was sleeping at an abandon house and shot the Plaintiff with a taser without warning or justification;

2) The taser had malfunctioned and was in a dangerous and defective condition due to manufacturer error;

3) That the Plaintiff suffered serious injury after being shot by Officer Van Horn of Charleston Police Department;

4) Three (3) Charleston Police Officers, Van Horn, Kuhner, and Cooper threw the Plaintiff head first on a steel floor and a concrete floor while the Plaintiff was handcuffed from behind his back;

5) That the officers used racial slurs at the Plaintiff during this incident;

6) That the Plaintiff suffered head and back injury as a result of the Defendants' actions in paragraph #3;

7) That the taser was inherently dangerous and negligently manufactured by Taser International, Inc.;

8) That Chief Brent Webster and Mayor Danny Jones bought the tasers from Taser International, Inc. to be used by police officers in Charleston without knowledge of its dangers, proper inspection, or investigation of the deaths and injury caused by the taser, or proper training;

9) That Officer Van Horn was not properly trained by the City of Charleston and its Police Department to use the taser and that the taser was dangerous and not properly manufactured by Taser International, Inc. for its intended use after over 150 people have died after getting shot with it;

10) That the City of Charleston's policy, custom, and regulation allowed the Defendant Van Horn to use the defective taser without proper training, without proper repair, without proper investigation, or consultation with Taser International, Inc. about its risks of death and serious bodily injury;

11) Taser International, Inc. misrepresented the safety of its taser to the Defendants Van Horn,

Brent Webster, Danny Jones, and The City of Charleston;

12) That the Defendant Taser International, Inc.'s taser jammed and/or malfunctioned and the Plaintiff was subjected to 50,000 volts for a longer period of time than the taser was designed to;

13) On 9/14/06, Defendant Van Horn stopped the Plaintiff while investigating a robbery;

14) That the Defendant Van Horn shot the Plaintiff after stopping the Plaintiff;

15) That Defendant Van Horn maliciously prosecuted and charged the Plaintiff with Fleeing to justify shooting the Plaintiff with the taser;

16) However, the Fleeing charge was dismissed or dropped after the grand jury failed to indict;

17) That Defendant Van Horn maliciously, wrongly, and illegally charged the Plaintiff with fleeing, but it was dismissed after 6 months in jail;

18) That the City of Charleston and the Charleston Police Depart-



ment assisted Van Horn in maliciously charging the Plaintiff with fleeing;

19) That the Kanawha County Prosecutor's Office and William J. Charnock allowed the malicious and illegal charge to hold the Plaintiff in jail for 6 months; and,

20) The Plaintiff states that he is entitled to damages under Heck v. Humphrey, 512 U.S. 477 488 (1994), because the charge was dismissed or dropped and his 4<sup>th</sup> Amendment U.S. Constitutional Rights to be free of illegal seizures and charges were violated by the Defendants and the criminal proceedings on the fleeing charge was terminated in his favor in addition the Plaintiff was denied due process of law by the Defendants;

21) That the Defendants knew that they had no factual basis for the charge but continued to prosecute the Plaintiff anyway to violate his constitutional rights. That is was without probable cause.

IV. Statement of Claim (continued):

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

The Plaintiff prays for compensatory and punitive damages in the following amounts:

1) \$500,000.00 against each defendant in punitive damages; and,  
2) \$300,000.00 against each defendant in compensation.

**V. Relief (continued)**

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**VII. Counsel**

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

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- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes \_\_\_\_\_ No ☒

If so, state the name(s) and address(es) of each lawyer contacted:

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If not, state your reasons: \_\_\_\_\_

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- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes \_\_\_\_\_ No ☒

If so, state the lawyer's name and address:

Signed this 29<sup>th</sup> day of September, 2006.

Harvey P. Short

1001 Centre Way

Charleston, WV 25309

Harvey P. Short

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 29<sup>th</sup> day of September.  
(Date)

Harvey Short

Signature of Movant/Plaintiff

\_\_\_\_\_  
Signature of Attorney  
(if any)